

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE NIELSEN COMPANY (US), LLC,

Plaintiff,

v.

HYPHAMETRICS, INC.,

Defendant.

Civil Action No. 23-136-GBW

MEMORANDUM ORDER

In this patent infringement action between Plaintiff The Nielsen Company (US), LLC (“Plaintiff”) and Hyphametrics, Inc. (“Defendant”), Magistrate Judge Burke issued two Report and Recommendations (“Reports”) (D.I. 98; D.I. 99) recommending constructions of various claim terms in dispute. In the first Report, Judge Burke addresses the construction of two terms: “causing storage of data identifying the network communication in association with the panelist” and “store[ing] data identifying the network communication in association with the panelist.” D.I. 98. Judge Burke agreed with the Plaintiff’s construction that the terms do not require storing of data for a specific amount of time and rather, that the data can be stored “for any duration.” *Id.* In the second Report, Judge Burke agreed with the Plaintiff that the terms “to log network traffic” / “logging network traffic” were non-limiting. D.I. 99.

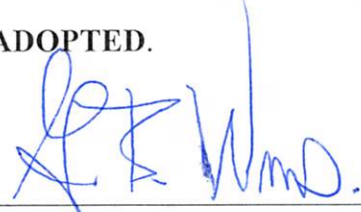
In reviewing a Magistrate Judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The Court may “accept, reject, or modify, in whole or in part” the Magistrate Judge’s findings or recommendations. *Id.* As to those portions to which no objections have been made, the Court must “satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining the district court’s responsibility “to afford some level of review” when no objections have been made).

Here, neither party filed an objection to the Reports. The Court has carefully reviewed the Reports and finds that the determinations made by Judge Burke in the Reports are not clearly erroneous; rather, they are correct as a matter of fact and law. Accordingly, the Court adopts the Reports.

* * *

WHEREFORE, at Wilmington this 13th day of June 2025, **IT IS HEREBY ORDERED** that the Reports and Recommendations (D.I. 98; D.I. 99) are **ADOPTED**.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE